

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION – CINCINNATI

TWC CONCRETE, LLC,	:	Case No. 1:23-cv-345
	:	
Plaintiff,	:	Judge Matthew W. McFarland
	:	
v.	:	
	:	
ANTHONY DECARLO, JR., <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
	:	

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ORDER GRANTING PLAINTIFF’S MOTION FOR LEAVE TO FILE UNDER SEAL  
(Doc. 14)

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The case is before the Court on Plaintiff’s Motion for Leave to File Under Seal (Doc. 14), where Plaintiff seeks leave to file multiple exhibits to the Declaration of Ellen H. Phillip under seal. The motion is unopposed.


Federal courts have long recognized a strong presumption in favor of openness which can be overcome only by “the most compelling reasons.” *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 299, 305 (6th Cir. 2016) (citing *In re Knoxville News-Sentinel Co.*, 723 F.2d 470, 476 (6th Cir. 1983)). Accordingly, “[t]he burden of overcoming that presumption is borne by the party that seeks to seal them.” *Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1180 (6th Cir. 1983). “To meet this burden, the party must show three things: (1) a compelling interest in sealing the records; (2) that the interest in sealing outweighs the public’s interest in accessing the records; and (3) that the

request is narrowly tailored.” *Kondash v. Kia Motors Am., Inc.*, 767 F. App'x 635, 637 (6th Cir. 2019). To do so, the party must “analyze in detail, document by document, the propriety of secrecy, providing reasons and legal citations.” *Id.* (citing *Shane Grp.*, 825 F.3d at 305). And typically, in civil litigation, only trade secrets, information covered by a recognized privilege, and information required by statute to be maintained in confidence is typically enough to overcome this presumption. *Shane Grp.*, 825 F.3d at 305.

Considering the nature of the information contained within the exhibits, Plaintiff has demonstrated that (1) compelling interests exist to seal the exhibits, (2) such interests outweigh the public’s interest in accessing the exhibits, and (3) Plaintiff’s request is narrowly tailored. Therefore, Plaintiff’s Motion (Doc. 14) is **GRANTED**. Plaintiff **SHALL FILE** Exhibits 1, 2, 3,4 and 5 to the Declaration of Ellen H. Phillips under seal.

**IT IS SO ORDERED.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

By:   
JUDGE MATTHEW W. McFARLAND